

4. All imported wildlife must be declared to the U.S. Fish and Wildlife Service (“USFWS”) in the United States. A true and complete declaration Form 3-177, *Declaration for Importation or Exportation of Fish or Wildlife*, must be filed at or before the time of importation. 16 U.S.C. § 1538(e); 50 C.F.R. § 14.61. Federal regulations also require that the USFWS clear all wildlife imported into the United States, and that the importer or his agent make available the wildlife being imported to the officer, as well as all required permits, licenses, or other documents. 50 C.F.R. § 14.52. The wildlife may only be cleared at certain ports authorized in the regulations, unless specifically authorized elsewhere. 50 C.F.R. § 14.11.

The Conspiracy

5. Beginning on an unknown date, but at least as early as August 2014, and continuing through at least October 6, 2019, in the Western District of Texas and elsewhere,

PAUL JACOB ELLIOT SOMMERS,

defendant herein, knowingly combined, conspired, confederated, and agreed with others known and unknown, including CC-1 and MM-1, to knowingly import and bring into the United States merchandise, namely wildlife, contrary to laws and regulations of the United States, and receive, conceal, buy, sell, and in any manner facilitate the transportation, concealment, and sale of such merchandise after importation, knowing the same to have been imported and brought into the United States contrary to laws and regulations of the United States, in violation of Title 18, United States Code, Section 545.

Manner and Means of the Conspiracy

The manner and means by which SOMMERS and his co-conspirators sought to accomplish the objects and purposes of the conspiracy included, among others, the following:

6. In furtherance of the conspiracy and to effect the illegal objects thereof, SOMMERS and others known and unknown, including the supplier and middleman, used social media to offer wildlife for sale and to negotiate the terms of the sale and delivery with customers in the United States and Mexico.

7. In furtherance of the conspiracy and to effect the illegal objects thereof, after the supplier and SOMMERS agreed to a sale, the supplier took animals from the wild, arranged for the wildlife to be transported to Juarez, Mexico, where it was retrieved by MM-1, and then transported to El Paso, Texas, via automobile, which MM-1 drove across the U.S.-Mexico border through the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) lane. SENTRI is a U.S. Customs and Border Protection program that allows expedited clearance for pre-approved, low-risk travelers upon arrival in the United States.

8. In furtherance of the conspiracy and to effect the illegal objects thereof, MM-1 received a “crossing fee” for border crossing, the amount of which depended on the number of animals transported, the size of the package(s), and, in some cases, the risk of being detected by the authorities.

9. In furtherance of the conspiracy and to effect the illegal objects thereof, at his residence, MM-1 sometimes removed the animals from their packaging. MM-1 would photograph any dead animal(s) and send the photo(s) to the supplier. MM-1 then re-packaged the live animals and shipped them to the customer via U.S. Postal Service or private courier service.

10. The wildlife received and transported by SOMMERS and co-conspirators in and about August 2014 through at least October 6, 2019, had a market value in excess of \$150,000.

OVERT ACTS

In furtherance of the conspiracy and in order to effect the objects thereof, SOMMERS and his co-conspirators committed the following overt acts, among others, in the Western District of Texas and elsewhere:

Overt Act 1: On or about August 15, 2014, MM-1 and SOMMERS electronically messaged each other the following:

MM-1: counted 9 healthy and nice xenos [lizards] and about 6 Sceloporus [lizards] (they were very jumpy). Only saw one minor, not a remarkable one (male). The tracking # is EL9990422300US. I am going to the Post Office later today. BTY, I discarded the original socks and I am going to use larger ones

SOMMERS: Only 9 xenosaurus? Those maybe not minor. They are new. 2 males 4 females. They are a new species I need to see in person to say what they are

Overt Act 2: On or about August 18, 2014, MM-1 and SOMMERS electronically messaged each other the following:

MM-1: Please let me know the conditions of the lizards when they arrive

SOMMERS: All lizards are good!

Overt Act 3: On or about October 5, 2015, CC-1 electronically messaged MM-1 regarding a shipment containing 10 “chopontil” [Narrow-bridged musk turtle] and nine “minor” [*Sceloporus minor* lizard]. CC-1 sent MM-1 tracking number 4090214941.

Overt Act 4: On or about October 8 through October 9, 2015, MM-1 and SOMMERS electronically messaged each other the following:

MM-1: can I ship you turtles and lizards tomorrow?

SOMMERS: Yes

MM-1: Good...I am mad at [CC-1]...he sent 16 adult Claudius. 2 arrived dead. do you know the trouble I had crossing them over? ...so I was

trembling but playing cool at the border crossing...So amigo, this is going to be a big box for you tomorrow

SOMMERS: That's ok

MM-1: and it is going to be at least 100

SOMMERS: ok. no problem.

Overt Act 5: On or about October 10 through October 11, 2015, SOMMERS and MM-1 electronically messaged each other the following:

MM-1: There?

SOMMERS: Yes I just unpacked. Everything is ok except a few turtles

MM-1: Are they dead?

SOMMERS: 1 is and 2 are fucked.

Overt Act 6: On or about October 11, 2015, SOMMERS sent \$100.00 via PayPal to MM-1 for the crossing fee.

Overt Act 7: On or about December 10, 2015, SOMMERS and MM-1 sent the following electronic messages:

SOMMERS: Do you know when the box arrives

MM-1: The tracking is not saying much but I am going to Juarez in a short while to see if its already there...Jay...EL044886014

SOMMERS: What's this?? My box? It already shipped??

MM-1: Yes! It was a struggle today but I made it!

Overt Act 8: On or about December 12, 2015, SOMMERS and CC-1 sent the following electronic messages:

SOMMERS: you need to get more laemactus [lizards] and corytophanes [lizards] now

CC-1: how many corytophanes and laemanctus

SOMMERS: all. make extinct.

Overt Act 9: On or about December 23, 2015, MM-1 and SOMMERS sent the following electronic messages:

MM-1: traffic was horrible in Juarez and El Paso today...the turtles were scratching my naked belly at crossing...Should I prepare for shipping?

SOMMERS: Do it. You have heat packs? Make sure and waive signature! I still think Monday is best it's very risky [MM-1]

Overt Act 10: On or about December 23, 2015, SOMMERS and CC-1 sent the following electronic messages:

SOMMERS: Why only one laemanctus

CC-1: are delicate...and one tres lomos here because have neuomoia

SOMMERS: Are not that delicate I get babies from Europe and they do ok

CC-1: in a normal shipping condition no hidden

Overt Act 11: On or about December 26, 2015, SOMMERS and CC-1 sent the following electronic messages:

SOMMERS: Turtles are all fine

CC-1: No flu in noise?

SOMMERS: Are fine I want to sell right away...Look at sores on feet and shell [Sent three photos of turtles with sores on the feet and shell.] ...i can't sell ones like this but we have enough to sell. We need sell these and buy more baby tres lomos

Overt Act 12: On or about March 19, 2016, SOMMERS and MM-1 sent the following electronic messages:

MM-1: Did you get them?

SOMMERS: Just got bix going to Sandfire now and open...Look man busted fuckknng leg!!!!!! [Sent two photos to MM-1.]

Overt Act 13: On or about February 13 and February 14, 2017, SOMMERS and MM-1 sent the following electronic messages:

MM-1: I am going to Juarez to pick up your stuff

SOMMERS: What stuff???

MM-1: [CC-1] sent some things, I told you last weekj...To Juarez now...I got your stuff

SOMMERS: Do I owe you money...From a shipment like a few weeks ago

MM-1: Please pitch in 150, since you never contributed to the express lane I pay every year

SOMMERS: I'm broke as fuck man and here's our guy [CC-1] sending me a bunch of bullshit that I can't do anything with

MM-1: I am packing you stuff. Should I use a heatpack?

SOMMERS: Yes

MM-1: same address? Ok, I am using the Vista address

SOMMERS: Yes

Overt Act 14: On or about February 16, 2017, SOMMERS and MM-1 sent the following electronic messages:

MM-1: Are the animals ok?

SOMMERS: The baby Claudius dead all the rest are OK they can't ship babies like that they dehydrate and dry out in a sock

Overt Act 15: On or about October 27, 2017, SOMMERS instructed MM-1 to ship the purchased reptiles to an individual at a business location in San Diego, California.

Overt Act 16: On or about October 30, 2017, MM-1 sent an electronic message to CC-1 in which he confirmed he sent the animals to SOMMERS and stated a ‘sceloporus’ arrived dead and the ‘laemantus’ was skinny.

Overt Act 17: On or about February 21, 2018, SOMMERS and MM-1 electronically messaged the following:

SOMMERS: [MM-1] let me get you an address

MM-1: go ahead...please pitch in \$50.00

SOMMERS: Ok

SOMMERS: Jay sommers
* * *

SOMMERS: Exactly like that waive signature!! Make sure no signature required

Overt Act 18: On or about February 22, 2018, SOMMERS and MM-1 electronically messaged the following:

SOMMERS: All animals are alive

MM-1: Good!, Did you like them?

Overt Act 19: On or about August 13 through August 16, 2019, CC-1 and SOMMERS sent the following electronic messages:

CC-1: I have minors...Mucho...I need [MM-1] return to me the computer

SOMMERS: I need mucho minor

CC-1: I Will shipping mucho minor...Some40 in first shipping

SOMMERS: Not 40 is too many and is stupid to risk

CC-1: tomorrow i will to janambres for more minor...i hope capture a lot

Overt Act 20: On or about August 31 through September 6, 2019, SOMMERS and CC-1 sent the following electronic messages:

SOMMERS: I said I need lepidophyma...Corytophanes...Laemactus...
Mucho minor

CC-1: I have minors...I Was call xilitla...15 each corytophanes... And 18
occulor...Is ok?

SOMMERS: Ok yes...I need occulor and corytophanes and also need ophiurus
bad...And I need mucho rana...I need tripriin badly...Tripriion...I
need ophiurus!...And mucho minor

CC-1: do you have ready western

SOMMERS: Western Union for what

CC-1: 12 tripriion 18 each 216 plush shipping

SOMMERS: You said 28 tripriion...18...You didn't say \$18...I am not paying for
any animals until we arrange shipping with [MM-1]...You never
said they were \$18 you just said 18 I thought you said they had 18...I
need minor first...Nothing until minor

CC-1: when [MM-1] will shipping me the cpu...urgent

SOMMERS: You need talk to [MM-1]...You are ship to him and he ship to you
so you guys need talk not me...If [MM-1] need ship to you and you
need ship to [MM-1] than you talk to [MM-1] I'm not [MM-1] I'm
not shipping to you or receiving a shipment from you so I'm the
wrong person to talk to

CC-1: [MM-1]...cant shipping me...him trash the cpu...we fucket...I need
shipping to you mondan minors

SOMMERS: Ok ship without cpu...Be smart

CC-1: no...we need a cpu...to hide...police checking all... only open and
see...and close againg...we need buy a new cpu now...right now to
arrive tomorrow...i need send western just now

SOMMERS: How much

CC-1: i think 38 the cpu and 30 shipping...is urgent you have the minors
next week

SOMMERS: Ok so western union 70\$...Correct?...[Sent photo of Western Union
receipt 657-945-1512]...It's ok next time but make sure the minor

ship!!! And make sure [MM-1] is ok to Receive...Then I can send you money for you...And for new animals

CC-1: we need pay xilitla next weekend

SOMMERS: I am not able to pay them next weekend...I can't pay until I have minor in my hands...You never told me I had to have money next weekend...Get me the fucking minor so I can pay you...MKe sure you ship and ship correct once [MM-1] has them I can get money...Just get the damn minor shipped out and I'll get your money by probably Friday..As long as I know that [MM-1] has them in the US I can sell and I have people waiting that want them

Overt Act 21: On or about September 9, 2019, CC-1 and SOMMERS sent the following electronic messages:

CC-1: i shipped

SOMMERS: Good...How many

CC-1: i dont know... i shipping only minors...the box is on way

Overt Act 22: On or about September 12, 2019, SOMMERS and CC-1 sent the following electronic messages:

SOMMERS: He needs to get them to me fast

CC-1: I hope...All alive...youneed [sic] send a tracking right now or shipping minors monday

SOMMERS: You mean label?

CC-1: yes label...tracking label

SOMMERS: I need to know how many minor you send...How many male and how many female

CC-1: 35 minors total...maybe around

SOMMERS: Very good.

Overt Act 23: On or about September 13, 2019, CC-1 and SOMMERS sent the following electronic messages:

CC-1: were are minors;?

SOMMERS: It's only 930...They are in San Diego out for delivery

CC-1: [MM-1] make a good packing

SOMMERS: I have them...All are alive...Some I can't sell because bad tail so I will keep And raise for farm or sell when tail grows back

CC-1: Some are good

SOMMERS: Yes...Many are good...This is a good shipment...Let's do Another urgent

Overt Act 24: On or about September 14, 2019, CC-1 and SOMMERS sent the following electronic messages:

CC-1: Are you ready...Western

SOMMERS: I can only send 200

CC-1: Is for pay animals...No for me

SOMMERS: I only have \$200...Today...I haven't gotten paid for minor yet

CC-1: Ok send western Just now...I need arrive before 5pm...To xilitla

SOMMERS: [Sent image of Western Union receipt 580-495-2357]...I will Have more money Monday

Overt Act 25: On or about September 24 through September 30, 2019, SOMMERS and MM-1 sent the following electronic messages:

SOMMERS: [MM-1] I forgot to PayPal

MM-1: I have this nasty dispute with paypal

SOMMERS: I can western union

SOMMERS: Do you want stuff this week? I can ship tomorrow and put cash in box?

MM-1: Ok

SOMMERS: Remind me money and I'm going to send a couple labels in the box to use for shipping in future

Overt Act 26: On or about September 17, 2019, SOMMERS and CC-1 sent the following electronic messages:

SOMMERS: What did you get

CC-1: I have newmaron

SOMMERS: Newman have no fucking value

CC-1: So...No shipping

SOMMERS: Yes but we need other...Occulor mucho...Corytophanes mucho

CC-1: I explain all

SOMMERS: Come on man I sent you \$200

CC-1: How to keep and hide to come here

SOMMERS: Just keep the \$200...But you have to understand I pay you...I pay shipping...I need make that money back

Overt Act 27: On or about October 1 through October 3, 2019, SOMMERS and CC-1 sent the following electronic messages:

SOMMERS: Did you ship!

CC-1: yes...Box in juarez...All ok

SOMMERS: [MM-1] is shipping now

CC-1: i was shipping 1 laemactus...10 newmaron...18 minors...25 platyceps

Overt Act 28: On or about October 6, 2019, SOMMERS sent the following electronic message to CC-1:

SOMMERS: I have all animals...So tomorrow I start to sell and then I can send money...I will say that the animals look very good only a couple

don't look good but most look really good so we can make some money now and then we need to get to work and get new species

All in violation of Title 18, United States Code, Section 371.

COUNT 2

Paragraphs 1 through 4 of Count 1 of the Grand Jury's Indictment are incorporated herein by reference as if set forth in their entirety.

On or about September 13, 2019, in the Western District of Texas and elsewhere,

PAUL JACOB ELLIOT SOMMERS,

defendant herein, did knowingly import and bring into the United States merchandise, specifically, approximately 35 Minor lizards, contrary to laws and regulations of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise after importation, knowing the same to have been imported and brought into the United States contrary to laws and regulations of the United States, by, among other things, knowingly failing to make the required declaration and obtain the required authorization to import such items into the United States, in violation of Title 16, United States Code, Section 1538(e); and Title 50, Code of Federal Regulations, Sections 14.11, 14.52, and 14.61.

All in violation of Title 18, United States Code, Sections 545 and 2.

COUNT 3

Paragraphs 1 through 4 of Count 1 of the Grand Jury's Indictment are incorporated herein by reference as if set forth in their entirety.

On or about October 6, 2019, in the Western District of Texas and elsewhere,

PAUL JACOB ELLIOT SOMMERS,

defendant herein, did knowingly import and bring into the United States, merchandise, specifically, approximately 54 lizards of different species, contrary to laws and regulations of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise after importation, knowing the same to have been imported and brought into the United States contrary to laws and regulations of the United States, by, among other things, knowingly failing to make the required declaration and obtain the required authorization to import such items into the United States, in violation of Title 16, United States Code, Section 1538(e); and Title 50, Code of Federal Regulations, Sections 14.11, 14.52, and 14.61.

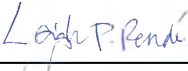
All in violation of Title 18, United States Code, Sections 545 and 2.

A TRUE BILL:


GRAND JURY FOREPERSON

TODD KIM
ASSISTANT ATTORNEY GENERAL
ENVIRONMENT AND NATURAL
RESOURCES DIVISION

By:



GARY N. DONNER
LEIGH RENDE
Trial Attorneys
Environmental Crimes Section
U.S. Department of Justice